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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

KLAMATH-SISKIYOU WILDLANDS
CENTER, *et al.*,

APPLEGATE SISKIYOU ALLIANCE,

Plaintiffs,

v.

UNITED STATES BUREAU OF LAND
MANAGEMENT,

Defendant,

AMERICAN FOREST RESOURCE
COUNSEL; ASSOCIATION FOR O&C
COUNTIES

Intervenor-Defendants.

Case No.: 1-23-cv-00519-CL (Lead Case)
Case No.: 1-23-cv-01163-CL (Trailing Case)

Honorable M.J. Mark D. Clarke

DECLARATION OF Mark Bey

I, Mark Bey, declare as follows:

1. I am the Executive Director and Founder of Lomakatsi Restoration Project, a nonprofit organization based in Ashland, Oregon, with over 30 years of experience in forest and

watershed restoration working across southwest Oregon and northern California. Since 1995, I have led community-based efforts to implement landscape-scale restoration in fire-adapted forest ecosystems, working across municipal, private and federal lands, including on Bureau of Land Management (BLM)-administered lands within the Rogue Valley. Lomakatsi has worked in close partnership with the BLM for over 25 years, treating thousands of acres of BLM land utilizing a science-based ecological approach for commercial and non-commercial thinning, prescribed fire, and incorporating workforce development initiatives into ecological restoration projects, and we are currently implementing our second 10-year stewardship agreement under Cooperative Agreement No. L24AC00494.

2. The Rogue Valley is in critical need of ongoing ecologically-based fuel hazard reduction and forest restoration to address the effects of fire suppression, overstocked forest conditions, and the decline of oak habitats. Jackson County consistently experiences one of the highest occurrences of wildfire in Oregon and has suffered devastating losses to life, property, natural resources, and community infrastructure. From 2010 to 2019, Jackson County averaged 181 wildfires per year. According to the Oregon Department of Forestry, there are more incidences of fire, more money spent, and more resources used to reduce fire danger and risk here than anywhere else in the state. Jackson County ranked #2 in a survey of 417 counties in 11 western states for risk to development in fire-prone areas adjacent to public lands. The catastrophic Almeda Fire of Labor Day 2020 emphasized the urgency for additional work in and near Wildland Urban Interface areas. This fire destroyed over 2,400 homes and businesses, and much of the cities of Ashland, Talent, Phoenix, and areas of south Medford. These communities are grappling with the

aftermath and are looking for leadership to reduce the risk of wildfire events in the future. Now more than ever, implementation of swift and effective restoration treatments is critical to reducing the risk of further loss of life, property, wildlife habitat, and forest resources.

3. The Rogue Basin Cohesive Forest Restoration Strategy (RBS), developed by the Southern Oregon Forest Restoration Collaborative, The Nature Conservancy, Oregon Department of Forestry, the BLM, the U.S. Forest Service and the U.S. Fish and Wildlife Service is based on the understanding that the forests of the Rogue Basin in Southwest Oregon have innate social, economic, and ecological value and provides a framework for reducing the risk of catastrophic wildfire in the Rogue Basin. The RBS is utilized by an additional broad coalition including the aforementioned agencies and organizations, Lomakatsi, the Klamath Bird Observatory, the Natural Resource Conservation Service, and Oregon State University. These organizations and others work collaboratively through the Rogue Forest Partners to implement the RBS. These treatments can significantly reduce the risk of wildfire and restore many areas in need of forest restoration using careful, ecologically driven approaches, including areas that are not suitable for commercial timber operations due to slope, stand composition, or ecological sensitivity.
4. The pace and scale of these treatments must increase to meet urgent ecological and community protection needs. As a signatory to the Klamath Siskiyou Oak Network (KSON) Memorandum of Understanding, Lomakatsi is actively implementing oak habitat restoration across private and BLM lands (Attachment 1). For this work to succeed, our federal partners must be able to participate in these collaborative initiatives,

providing leadership, environmental analysis, and other critical resources. If the BLM is enjoined from conducting non-commercial work under the Integrated Vegetation Management Plan for Resilient Lands (IVM), it would seriously hinder our ability to carry out restoration commitments under the KSON MOU and other collaborative and contract agreements that would benefit over 2,000 acres of BLM lands, reducing risk to communities and important habitats.

5. A key example of these efforts is the Agate Oak Project, a BLM-led, non-commercial restoration initiative located within the footprint of the Upper Rogue Oak Initiative (UROI). As part of UROI, Lomakatsi and our partners plan to conduct ecological non-commercial thinning treatments on approximately 3,000 acres across both private and BLM-administered lands. The project objectives include reducing hazardous fuels, mitigating extreme fire behavior by lowering flame lengths and slowing rates of spread, and restoring oak habitat by removing small diameter (<8" diameter at breast height) trees, primarily conifers that have encroached into oak woodlands creating fire hazards. These ecologically based, non-commercial thinning activities are designed to reduce densities of the small trees, retain and protect the larger older trees, and set the stage to allow the reintroduction of prescribed fire as a future maintenance tool—creating conditions where low-intensity fire can safely and effectively sustain ecosystem health and keep fuel hazards low. [The Agate Oak Project](#), developed under the IVM Decision Record and DNA, exemplifies the kind of collaborative, ecologically grounded restoration that is only possible through non-commercial treatment authorities.
6. One of the primary barriers to scaling restoration on public lands is the lack of pre-existing environmental analysis. The IVM EA was developed to address this gap,

allowing collaborative efforts like the Agate Oak Project to be implemented swiftly to meet the growing challenge of the wildfire crisis. Enjoining the BLM from acting under the IVM framework would delay or prevent urgently needed work, stall collaborative restoration across land ownerships, and greatly impact multi-year investments by partners, including Lomakatsi, other non-government organizations, state and federal agencies, Tribal Nations, and local governments.

7. Communities and partners rely on the ability of the BLM to implement these treatments. Without timely implementation, we risk continued degradation of high-priority landscapes and loss of public trust in collaborative, science-based land management. Our stewardship agreements, community partnerships, and ecological outcomes depend on the ability to move forward with non-commercial treatments like those authorized under the IVM EA. These actions are consistent with BLM's Resource Management Plans, and they provide a foundation for proactive, integrated restoration at scale.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.



Dated: June 20, 2025

Mark Bey

Attachment 1



Conserving oak habitats on private and public lands in southern Oregon and northern California

KBO: KBO-MOU-2022-001
ODFW: 279-21
BLM: BLM-MOU-000-2022-001
NRCS: MOU0012372
USFWS: 6360.2201

MEMORANDUM OF UNDERSTANDING BETWEEN

**Klamath Bird Observatory (KBO),
Lomakatsi Restoration Project (LRP);
Oregon Department of Fish and Wildlife (ODFW);
Pacific Birds Habitat Joint Venture
Southern Oregon Forest Restoration Collaborative (SOFRC);
The Nature Conservancy (TNC);
The Understory Initiative (TUI);
DOI Bureau of Land Management (BLM) Medford District;
DOI Fish and Wildlife Service (USFWS);
USDA Natural Resources Conservation Service (NRCS);
USDA Forest Service (USFS) Rogue River-Siskiyou National Forest**

CONCERNING

Klamath-Siskiyou Oak Network (KSON)

I. SUMMARY

The Klamath Siskiyou Oak Network provides coordination and effective implementation of collaborative efforts to conserve oak habitats on private and public lands in southern Oregon and northern California. The Network is guided by this Memorandum of Understanding (MOU) signed by a subset of partners, and a Working Agreement, which includes those same partners and others. The work of the Network is guided by the Klamath Siskiyou Oak Network's strategic conservation action plan.

Individual oak trees and oak habitats have intrinsic aesthetic, environmental, wildlife, and economic values shared by a wide cross section of the public. The Klamath-Siskiyou Bioregion holds some of the highest terrestrial biodiversity in Oregon or California. Oak habitats within the bioregion are currently threatened with loss and degradation due to fire exclusion, certain agricultural practices, and rural and urban residential development. This collaborative regional partnership is focused on fostering the conservation, restoration and long term health of oak habitats, including both Oregon white oak

(*Quercus garryana*) and California black oak (*Q. kelloggii*) savanna, chaparral, woodlands, and mixed forest.

The initiative brings together a broad range of public and private partners working to:

- A. Promote habitat restoration and conservation efforts toward long-term sustainability of oak habitats,
- B. Provide a forum for community engagement including outreach and education, and
- C. Encourage applied science including monitoring and adaptive management strategies.

The Klamath Siskiyou Oak Network is made up of partners with a shared interest in a collaborative approach to implementation of the Network's strategic conservation action plan. The Network includes private landowners; federal, state, and local government agencies; Tribes; conservation organizations; and other individuals with a demonstrated interest in the long-term health of oak habitats in southern Oregon and northern California. Partners contribute time, expertise, funding, and other resources in support of the collaborative efforts.

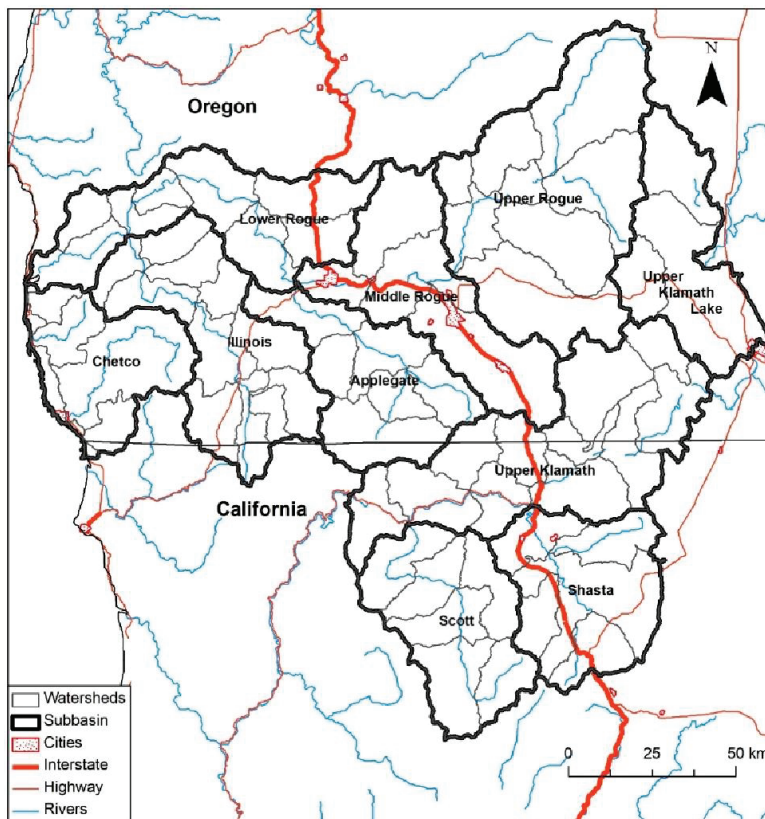


Figure 1. The Klamath Siskiyou Oak Network includes ten sub-basins in southern Oregon and northern California.

MOU signatories include the following:

Klamath Bird Observatory (KBO): Klamath Bird Observatory is a scientific non-profit organization that achieves bird conservation in the Pacific Northwest and throughout the migratory ranges of the birds of that region. KBO has developed an award-winning conservation model in the Klamath-Siskiyou Bioregion, and applies this model broadly. KBO emphasizes high caliber science and the role of birds as indicators of the health of the land and uses that approach to specialize in cost-effective bird monitoring and research projects that help to improve natural resource management. KBO recognizes that conservation occurs across many fronts and also nurtures a conservation ethic in surrounding communities through outreach and educational programs. KBO brings a birds-eye indicator species view to KSON, integrating a value added approach to landscape restoration needs through Partners in Flight's continental and regional bird conservation priorities (Alexander et al. 2020) and science-based tools that serve as a catalyst for improved strategic habitat conservation and adaptive management.

Lomakatsi Restoration Project (LRP): Lomakatsi Restoration Project is a non-profit grassroots organization that develops and implements forest and watershed restoration projects in Oregon and northern California. Since 1995, LRP has established a proven record of success implementing restoration projects across thousands of acres of forests and miles of streams. In cooperation with a broad range of partners including federal and state land management agencies, non-governmental organizations, private landowners, watershed councils, city and county governments, and Native American tribes, LRP's work on nationally recognized projects has been precedent-setting. LRP provides expertise and capacity in project development, planning, management, fine-scale ecological treatment design, monitoring, and implementation for ecosystem restoration projects, and integrates restoration practice with science delivery, education and workforce training. LRP coordinates closely with multiple funding partners and manages a diverse workforce in complex social settings supported by critical community outreach.

Oregon Department of Fish and Wildlife (ODFW): The Oregon Department of Fish and Wildlife's mission is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. We work through a regional management structure to manage fish, wildlife, and their habitats at the local, watershed level. Our headquarters are in Salem with local field offices divided into the West and East regions with four to six watershed districts in each region. Oregon's blueprint for conserving at-risk species and habitats is the Oregon Conservation Strategy which identifies grasslands, oak savannahs, and oak woodlands as key habitats that need dedicated conservation focus. ODFW's participation in the Klamath Siskiyou Oak Network is intended to help meet the department's broad mission and specifically achieve conservation goals for oak habitat and their associated species in the Klamath Ecoregion.

Pacific Birds Habitat Joint Venture: Pacific Birds is part of the Migratory Bird Joint Venture network that works in the U.S., Canada and Mexico for the benefit of birds, communities and people. The mission of Pacific Birds is to create the ideal environment for bird habitat conservation. To achieve our mission, we help partners identify, prioritize, and implement shared conservation actions that benefit birds and the habitats they need. Pacific Birds oak and prairie priority spans Washington, Oregon, and northern California with an emphasis on cultivation and support of partnerships at multiple scales, advancing conservation-friendly policies, increasing private land conservation incentives, and increasing funding and capacity for protection and restoration of oak and prairie across the Pacific Northwest.

Southern Oregon Forest Restoration Collaborative (SOFRC): Southern Oregon Forest Restoration Collaborative (SOFRC): SOFRC is a non-profit grassroots organization that collaborates in the planning and implementation of forest health and wildfire risk projects. SOFRC coordinates the Rogue Forest Partners, a 10-member organization of four NGO's, four federal agencies and two state organizations established to implement large, landscape level restoration projects. SOFRC's vision includes resilient landscapes, thriving communities and supporting education and workforce development that contributes to actively managing the forests of Southwest Oregon. Our work centers on implementation of the Rogue Forest Cohesive Forest Restoration Strategy (RBS). We provide expertise in the coordination, planning and engagement of large landscape projects that include multiple funding partners.

The Nature Conservancy (TNC): The Nature Conservancy (TNC) is a global environmental nonprofit working to promote conservation that directly benefits nature and people. In Oregon, TNC works from 10 offices across the state to lead large-scale, complex restoration projects and develop best management practices. To date, TNC in Oregon has protected 530,000 acres of biodiverse habitat and continues to seek new opportunities for expanding our conservation footprint. Our staff of 70 has a reputation for serving as conveners and collaborators who are dedicated to confronting the most pressing environmental challenges across the state. We work with dozens of other conservation organizations throughout Oregon to build capacity, collaborate on solutions, and increase the visibility of conservation successes to local communities. TNC prides itself on its ability to bring together diverse stakeholders in the effort to design and implement conservation solutions. We partner with indigenous communities, businesses, governments, multilateral institutions, and other non-profits to protect Oregon's most biologically important habitats and restore condition and function to its rivers, wetlands, forests, and grasslands.

The Understory Initiative (UI): The Understory Initiative facilitates the restoration and conservation of native species habitat through partnership and community engagement in southern Oregon and northern California. They support conservation and restoration by partnering with a variety of stakeholders and provide public education and outreach. UI is developing a collaborative farm that will provide the diverse mix of native seeds needed for ecological restoration and pollinator habitat in the region.

U.S. Department of Interior – Bureau of Land Management (BLM): The Bureau of Land Management's mission is to sustain the health, diversity, and productivity of BLM-administered lands for the use and enjoyment of present and future generations. BLM administers more public land – over 245 million surface acres – than any other Federal agency in the United States and most of this land is located in the 12 Western states, including Alaska. The 2016 Bureau of Land Management (BLM) Southwest Oregon ROD/RMP, covering BLM Medford District and portions of Lakeview District includes objectives to support the persistence and resilience of oak species and oak woodlands and mixed hardwood/conifer plant communities. The KSON geography includes Medford District and portions of Coos Bay District, Lakeview District, and Redding District.

U.S. Department of Interior – United States Fish and Wildlife Service (USFWS): The US Fish and Wildlife Service works with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. This statement acknowledges that working cooperatively with partner organizations, private landowners, and local communities is the best way to approach long-term conservation of native ecosystems. The USFWS has a number of programs designed to provide technical assistance, coordination, and cost-share funding for conservation projects.

U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS): The Natural Resources Conservation Service, an agency of the U.S. Department of Agriculture, works hand-in-hand with people and organizations, conservation districts, and other agencies to conserve natural resources primarily on private lands. The mission of NRCS is to provide leadership in a partnership effort to help people conserve, improve, and sustain our natural resources and environment. NRCS has a number of Financial Assistance programs designed to provide technical assistance, coordination and funding for conservation projects.

U.S. Department of Agriculture – U.S. Forest Service (USFS): The mission of the US Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands (*those lands under USFS management jurisdiction*) to meet the needs of present and future generations. Within the boundaries of the KSON is the entire Rogue River-Siskiyou National Forest and portions of the Fremont-Winema, Klamath, Shasta-Trinity, and Six Rivers National Forests. Leadership of these forests understand the ecological and cultural value of oak habitats and are working to restore and enhance these valuable resources.

II. AUTHORITIES

Listed below are regulations, policies, and legal citations for entering into this MOU:

- A. Section 307(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1737(b), authorizes the Secretary, subject to the provisions of applicable law, to enter into contracts and cooperative agreements involving the management, protection, development and sale of public lands.
- B. The Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1544)
- C. Fish and Wildlife Act of 1956 (16 U.S.C. 742 et seq.)
- D. Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901-2911)
- E. Fish and Wildlife Coordination Act (16 U.S.C. 661-667)
- F. Partners for Fish and Wildlife Act of 2006 (16 USC 3771)
- G. Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation
- H. Conservation Technical Assistance Program, 16 U.S.C. 590a-f, 590q, 7 C.F.R. 610 (CFDA 10.902)

III. PROCEDURE

Specific Provisions

- A. All participants in the MOU shall have the option to serve on the Steering Committee and agree to follow the Working Agreement
- B. Participants in the MOU shall collaborate to
 - a. Fulfill the KSON mission: ***Conserve oak habitats on private and public lands in southern Oregon and northern California***
 - b. Secure support for oak vegetation management activities
 - c. Share oak habitat management objectives and strategies
 - d. When feasible, engage in education and outreach activities
 - e. Support science and research regarding oak habitat within the region

- f. Form partnerships and alliances with other organizations that share KSON's interest in conservation and restoration of oak habitats
- C. The Department of Agriculture and Klamath Bird Observatory (KBO), Lomakatsi Restoration Project (LRP), Oregon Department of Fish and Wildlife (ODFW), Pacific Birds Habitat Joint Venture, Southern Oregon Forest Restoration Collaborative (SOFRC), The Nature Conservancy (TNC), The Understory Initiative, DOI Bureau of Land Management (BLM) Medford District, DOI Fish and Wildlife Service (USFWS), USDA Natural Resources Conservation Service (NRCS), and USDA Forest Service (USFS) Rogue River-Siskiyou National Forest and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

IV. ADMINISTRATION

- A. RECORDS MANAGEMENT: Klamath Bird Observatory will keep all data/records produced as part of this MOU. All records (in all media, paper and electronic) created or produced in part or in whole are to be maintained for the duration of the MOU, made available upon request, and upon termination of the MOU will be turned over to all parties joined in this MOU.

Parties to this MOU shall not use, sell or disseminate data/records without permission of affected parties in this MOU.
- B. PUBLIC RECORDS: Any information furnished to any of the undersigned agencies is subject to the Freedom of Information Act (5 U.S.C. 552) and state public records laws.
- C. CONFIDENTIAL INFORMATION: No partner will disclose confidential or proprietary information received as a result of this Memorandum of Understanding except pursuant to an MOU duly executed by affected parties, except as described in the preceding section.
- D. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
- E. MODIFICATION: Modifications within the scope of this MOU shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.
- F. NON-FUND OBLIGATING DOCUMENT: This MOU is neither a fiscal nor a funds obligation document. Any endeavor to transfer anything of value involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate MOUs or agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Specifically, this MOU does not establish authority for noncompetitive award to the cooperator of any contract or other MOU.
- G. TERMINATION: Any of the parties, in writing, may terminate the MOU in whole, or in part, at any time before the date of expiration. Nothing in this MOU shall obligate either the Department of Agriculture or Klamath Bird Observatory (KBO), Lomakatsi Restoration Project (LRP), Oregon Department of Fish and Wildlife (ODFW), Pacific Birds Habitat Joint Venture, Southern Oregon Forest Restoration Collaborative (SOFRC), The Nature Conservancy (TNC), The

Understory Initiative, DOI Bureau of Land Management (BLM) Medford District, DOI Fish and Wildlife Service (USFWS), USDA Natural Resources Conservation Service (NRCS), or USDA Forest Service (USFS) Rogue River-Siskiyou National Forest to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Department of Agriculture and Klamath Bird Observatory (KBO), Lomakatsi Restoration Project (LRP), Oregon Department of Fish and Wildlife (ODFW), Pacific Birds Habitat Joint Venture, Southern Oregon Forest Restoration Collaborative (SOFRC), The Nature Conservancy (TNC), The Understory Initiative, USDI Bureau of Land Management (BLM) Medford District, USDI Fish and Wildlife Service (USFWS), USDA Natural Resources Conservation Service (NRCS), and USDA Forest Service (USFS) Rogue River-Siskiyou National Forest will require the execution of separate MOU or agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority.

VI. COMMENCEMENT/EXPIRATION DATE


This MOU is executed as of the date of last signature and is effective for five years at which time it will expire unless extended. This MOU may be extended or amended upon written request of any of the parties in this MOU and the subsequent written concurrence of the others.

VIII. SIGNATURES

Program Director:Jaime Stephens, Science Director and KSON Coordinator, jlh@klamathbird.org, (541) 944-2890**Signatory Official:**John Alexander, Executive Director, ida@klamathbird.org, (541) 890-7067

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the last date written below:

Klamath Bird Observatory:

DocuSigned by:
 By:  Date: 12/2/2022
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 (Signature)

Name: John D. Alexander

Title: Executive Director

Lomaketa Restoration Project:

DocuSigned by:
 By:  Date: 11/9/2022
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 (Signature)

Name: Marko Bey

Title: Executive Director

Oregon Department of Fish and Wildlife:

DocuSigned by:
 By:  Date: 11/23/2022
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 (Signature)

Name: Mark Vargas

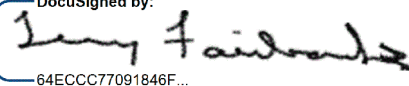
Title: Rogue Watershed District Manager

Pacific Birds Habitat Joint Venture

DocuSigned by:
 By:  Date: 11/14/2022
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 (Signature)

Name: Sara Evans-Peters

Title: U.S. Assistant Coordinator

Southern DocuSigned by: **laborative:**
 By:  Date: 11/9/2022
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 (Signature)

Name: Terry Fairbanks

Title: Executive Director

The DocuSigned by: **y:**
 By:  Date: 12/5/2022
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 (Signature)

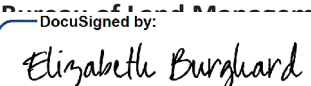
Name: Darren Borgias

Title: Deputy Director of Conservation and Policy

Und DocuSigned by:
 By:  Date: 11/9/2022
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 (Signature)


Name: Kathryn Prive

Title: Executive Director & Board Chair

DOI Bureau of Land Management, Medford District:
 By:  Date: 12/19/2022
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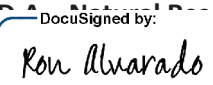
Name: Elizabeth Burghard

Title: BLM Medford District Manager

DOI Bureau of Land Management, Oregon:
 By:  Date: 11/17/2022
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 (Signature)

Name: Craig Rowland

Title: Acting State Supervisor

U.S. Department of the Interior, Bureau of Land Management, Oregon:
 By:  Date: 2/27/2023
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 (Signature)

Name: Ron Alvarado

Title: State Conservationist

U.S. Fish & Wildlife Service, Rogue River-Siskiyou National Forest:

DocuSigned by:
By: Merv George AB1CBDE31B3041A... Date: 12/24/2022
(Signature)

Name: Merv George Jr

Title: Forest Supervisor, Rogue River-Siskiyou NF